

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRAVELERS INDEMNITY COMPANY, :
TRAVELERS INDEMNITY COMPANY OF :
CONNECTICUT, formerly known as TRAVELERS :
INDEMNITY COMPANY OF RHODE ISLAND, :
TRAVELERS CASUALTY AND SURETY :
COMPANY, formerly known as THE AETNA :
CASUALTY AND SURETY COMPANY, and :
TRAVELERS PROPERTY CASUALTY :
COMPANY OF AMERICA, formerly known as :
TRAVELERS INDEMNITY COMPANY OF :
ILLINOIS, :

Plaintiffs, :

vs. :

NORTHROP GRUMMAN CORPORATION, :
successor in interest to GRUMMAN :
CORPORATION, NORTHROP GRUMMAN :
SYSTEMS CORPORATION, successor in interest :
to GRUMMAN AEROSPACE CORPORATION, :

Defendants, :

and :

CENTURY INDEMNITY COMPANY, eventual :
successor in interest to INSURANCE COMPANY :
OF NORTH AMERICA, :

Nominal Defendant. :
:
:
-----X

CASE NO.: 1:12-cv-03040-KBF

**NOTICE OF TRAVELERS' MOTION
FOR SUMMARY JUDGMENT
REGARDING THE BETHPAGE
FACILITY**

ORAL ARGUMENT REQUESTED

ECF CASE

**NOTICE OF TRAVELERS' MOTION FOR SUMMARY JUDGMENT
REGARDING THE BETHPAGE FACILITY**

PLEASE TAKE NOTICE THAT, Plaintiffs and Counterclaim Defendants The
Travelers Indemnity Company; The Travelers Indemnity Company of Connecticut, formerly known
as The Travelers Indemnity Company of Rhode Island; Travelers Casualty and Surety Company,

formerly known as The Aetna Casualty and Surety Company; and Travelers Property Casualty Company of America, formerly known as The Travelers Indemnity Company of Illinois (collectively, “Travelers”), by and through its undersigned attorneys, will move this Court, before the Honorable Katherine B. Forrest, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order granting Travelers summary judgment pursuant to Federal Rule of Civil Procedure 56(a).

Travelers respectfully requests that the Court grant its motion for summary judgment that there is no coverage for the Bethpage Facility under the Travelers policies because coverage is excluded by pollution exclusions in certain policies and because Grumman violated the notice provisions of all of the Travelers policies and the voluntary payments provisions of the Travelers primary policies.

Respectfully submitted:

Dated: October 21, 2013
New York, New York

By: /s/ Mary Beth Forshaw
Mary Beth Forshaw
Lynn K. Neuner
Meghan E. Cannella
Medora M. Akers

SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, N.Y. 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
mforshaw@stblaw.com
lneuner@stblaw.com
mcannella@stblaw.com
medora.akers@stblaw.com

Attorneys for Plaintiffs The Travelers Indemnity Company, The Travelers Indemnity Company of Connecticut, Travelers Casualty and Surety Company, and Travelers Property Casualty Company of America